

COUNCIL ON EDUCATIONAL SERVICES FOR EXCEPTIONAL CHILDREN
State Board of Education Room
NC Dept. of Public Instruction
December 12, 2018
Summary of Actions

Call to Order, Introductions, Review of Agenda, Review of June Meeting Minutes

Chairperson Leanna George called the meeting to order. Council members and guests provided self-introductions. Participation was limited due to inclement weather.

Leanna George reviewed the agenda. The June meeting minutes were reviewed. No edits were noted. At the beginning of the meeting, there was not a quorum to officially approve the minutes. However, during the meeting, a quorum was reached and the June meeting minutes were approved.

Also Leanna reminded the Council about commenting on the Governor's Crime Commission on School Safety and that safety/emergency plans should include exceptional children and consider what guidance LEAs may need to include EC. Possibly, the Council could expand upon this during committee time.

Teacher Licensure

Paula Crawford and Carol Moffitt were presenters. North Carolina currently has two areas for certification, adapted curriculum and general curriculum. On the EC Division website is a Licensure Guidance Tool for use by EC Directors, HR Directors, etc. The guidance includes detailed licensure information along with best practices when there are multiple disabilities in a class. A minimal best practice is for the teacher licensure to match at least one student's disability. That does not mean that this teacher doesn't need additional support. There is also information and guidance on additional supports these classrooms may need. A chart indicates the teacher license type at the top with disability categories listed underneath. This is guidance, not hard fast law. This information was vetted statewide and takes into consideration the massive teacher shortage for EC students and serves as guidance for decision making.

The Council had previously brought up a concern of adapted curriculum teachers and the licensure requirements, especially relating to the Pearson math and reading Praxis content not being what is required to be taught within the adapted curriculum, and if there are any exceptions to the Pearson tests. Dr. Crawford advised the EC Division and the NCSIP sponsor two courses for general ed curriculum teachers - Reading Research to Classroom Practice (RRtCP) and Foundations of Math (FoM) - to help teachers pass the Pearson tests. In-state teachers can take a course that STARS Section has created for reading and math that specifically addresses cognitive disabilities and aligns with RRtCP and FoM. The teacher shortage is a national issue, not just NC. In the coming months, EC Division is coordinating a special education recruitment and retention summit. It's held biannually since 2012. Participants include EC Division staff, Human Resource staff, principals and others coming together to solely focus on recruitment and retention of special education teachers.

The EC Division supports special education teachers through the tuition reimbursement process. It's hard for teachers to go back to add licensure. NC is in desperate need of incentives for teachers/others that want to add adaptive curriculum license. It's about \$475 a class, a big roadblock for teachers. IHEs are also focused on this issue by offering part-time, full-time, night and weekend classes to recruit teachers.

Dispute Resolution Annual Report

Carol Ann Hudgens, Section Chief for Policy, Monitoring and Audit, provided a presentation summarizing the year 7/1/17-6/30/18 with data regarding Dispute Resolution processes; mediation, state complaints and facilitated IEP meetings.

Facilitated IEP Meetings (FIEPs):

Received 93 requests – FIEP meetings not federally required but NC believes it is extremely beneficial. Parent or school district can request an FIEP. EC Division will assign impartial person, on a rotating basis, at no charge, to create agenda and be impartial. The person assigned is trained by EC Division. The person is usually former special ed director or someone with extensive experience with EC process. The facilitator makes an intake call with the parent of issues to address and likewise with the LEA. It helps redirect conversation to items on the agenda so a consensus of items in dispute can be resolved. It is a timely process and is a quick result. The facilitator does not rule on compliance; not coaching parent on good/bad decisions. It is solely to help with communication and stay focused on agenda at hand. Both parties must agree to have FIEP. Out of the 93 requests received, 50 meetings were held (some withdrawn or cancelled due to resolution before meeting being scheduled). Sometimes parents do not want to engage – 19 were declined by the parent(s); no LEAs declined. EC Division encourages participation in this process. Most FIEP meetings are held in one meeting; a few require two sessions. 98% of FIEP reached consensus. Requests submitted by: parents-38, LEAs-52, parents and LEAs-3.

Requests submitted on behalf of disability, autism is highest usage with SLD second highest. Disability category not provided. Facilitation is going down based on a three-year trend. Parents may not be aware of this option; LEAs are encouraged to post this dispute resolution option on their website.

Mediation

The difference between mediation and facilitation is that facilitation is an informal process involving the IEP Team. Decision are upheld within the context of IEP Team decision. Mediations have an impartial mediator, but it may only involve certain members from the LEA and/or attorneys. Attorneys are not required. The outcome of mediation is a mediation agreement which is upheld by DPI.

Received 105 mediation requests; 66 held; 38 of which related to a due process hearing; 42% reached an agreement. Mediations not related to a due process hearing were 28 with 71% of these resulting in an agreement.

State Complaints

State complaints are initiated by someone, on behalf of the student, that alleges a school district is not following the policies and procedures that relate to students with disabilities. It looks for a particular violation. Examples are the IEP is not being implemented, appropriate evaluations not conducted, or IEP not developed based on child's unique needs.

Received 128 requests. There is a 60-day timeline to complete a report of the findings. Issued 81 reports; 69% were noncompliance and 31% were in compliance. Sometimes state complaint topics are things EC Division does not investigate, such as personnel issues (LEA authority) or discrimination issues (Office of Civil Rights authority) or evidence is insufficient to initiate a state complaint.

EC Division will help put complaint forward if parent is unable to file a written complaint. EC Division will call, obtain more details, to see if there is substance to the complaint. EC Division always makes EC

Director aware of any issues even if it's "small". This allows the LEA an opportunity to correct any issues.

Due Process

Due Process really gets at the substance of the student's program and whether things were done appropriately for the child's unique needs and if there is any barrier to FAPE.

There were 92 filings. There is a quick timeline for the parties to engage in a resolution meeting. The resolution meeting (does not require impartial mediator) is last ditch effort for parties to resolve issues. Written settlement agreements are reached through resolution meetings. A mediation is also an option when a due process is filed. The mediation is sometimes favored because it does include an impartial mediator.

Due process cases are heard by an Administrative Law judge. Once these cases are on the docket, it can still take numerous days for each party to present their case. So this is a prolonged way of dispute resolution. There are expedited due process cases, which are for discipline issues only. This is because if children are suspended and removed from placement, don't want child sitting out of school or in an alternate setting for extended period of time. Expedited due process is based on school days (not calendar days) like regular due process.

The EC Division does anecdotally note that there has been an increase in due process cases. It appears families have opted to go straight to due process instead of utilizing other means of dispute resolution.

SPP/APR

APR

Nancy Johnson, State Performance Plan Consultant, advised Council they are stakeholder group for NC's State Performance Plan (SPP)/Annual Performance Report (APR). In June, the Council provided feedback on proposed changes to the requirements for Significant Disproportionality. After all that work, OSEP issued a delay to the implementation of proposed changes to the SPP for all states. Implementation is delayed until July 1, 2020. During the next two years, OSEP is allowing states to either implement the new regulations and methodology during that year or states could implement the existing methodology that they are currently using or any other methodology deemed appropriate. NC has decided to do a combination, mostly staying with current methods and after two years a slight adjustment may be needed.

However, it is rumored that the new regulations may be released February 2019. Until final regulations are released, NC will continue as usual since NC currently meets a lot of requirements for identification and placement. NC uses a cell size of ten, uses an N size of 30, and has a risk ratio threshold of 3.0. By doing this, it gives NC time to work on reasonable progress. NC has a 5.0 risk ratio threshold and we're not satisfied with that. Preschool discipline data collection is also another area NC (and other states as well) will have time to work on during this delay period.

SPP

The State Performance Report (SPP) includes a number of Indicators and our State Systemic Improvement Plan which is Indicator 17. Most Indicators are submitted February 1 and the State Systemic Improvement Plan is submitted April 1. For the fourth year in a row, NC has "met

requirements” for its SPP. This is a great accomplishment from all the LEAs hard work throughout the year.

OSEP requires NC to explain any slippages of 1.0% or greater on Indicators. NC also has to provide an explanation/strategies on what we’re doing to improve the Indicator that had slippage of more than 1%. Some Indicators are compliance (100% target set by OSEP), some are results Indicators (NC sets target goals).

Indicator 1, Cohort Graduation rates – the four-year cohort target is 70.3; This year’s preliminary data is showing the rate of 69.1, which is a slight decrease. NC will have to explain/provide strategies for this decrease. The reason for this change is there was a 21% increase in number of students in 9th grade in 2014-15 who had IEPs who could have potentially graduated within a four-year period. That 21% increase was 2,596 students. Then for graduation rates, NC only had a graduation rate increase of 19%, which was less than the number of students who entered. While NC increased the number of students that graduated this past August by 1644, it wasn’t a high enough percentage to keep NC at 70.3 or above, which equates to the greater than 1% slippage.

Indicator 7, Parent Involvement - NC has not met targets. The target, set several years ago, is 50%. This Indicator is based on a random sampling plan. Every district is only included every five years. The largest five districts are surveyed every year. The response rate has been the issue and NC will have to address this in the APR. NC barely has a 10% response rate. There are various considerations to assist with a higher response rate. One consideration is the survey is rather lengthy and one idea is to revise the questions to determine if there is a more appropriate way to construct the questions that arrive at the information we need and have fewer questions rather than more. A comment was parents complete the survey and then there is no closure to the communication loop. Parents hearing back about how their information was used and the outcome may contribute to more participation. It also appears that most districts send the survey to parents via their child(ren).

Indicator 11, 90-day placement – is from the time a child is referred to when an eligibility decision is made and IEP is developed or determined ineligible. Indicator 11 data has dropped greater than one percentage point. It’s 1.69 percent. However, NC is still above 90% which is good. NC had an increase in the number of charter schools, which have lower rates/numbers, which effects the overall data. So as Charter School data fluctuates, it fluctuates NC numbers. Within the APR, NC will include specific strategies on what we’re doing directly with those districts to correct the issues. EC Division works closely with the lowest performing districts. Considering NC has close to 300 districts, we’re talking a handful of districts, less than 10 LEAs and the majority of them are Charter Schools. One common issue is the management of their data/to accurately report data in their data systems is sometimes where data have not been either reported accurately or haven’t been closed and verified within the timelines. Instances where it is not a data problem, it is not managing the timeline appropriately and/or having difficulty finding the appropriate personnel to administer the evaluations. This is not an allowable reason. Particularly, Charter Schools often have to contract for related services, like speech, and if it is in a rural district, a lot of the speech therapists work for the traditional LEA, or contractor does not show when scheduled, etc. EC Division tries to help problem solve these kinds of issues. Each year between 45,000 and 50,000 students are either determined eligible and an IEP was developed or determine ineligible within the 90-day timeline. It’s 90 calendar days. States have a choice of either following the federal 60-day timeline for the evaluation period or a timeline approved by OSEP. The federal 60-day timeline starts with the parent providing consent. In NC, the 90 days starts at the referral time. NC’s timeline encompasses that time that you should reasonably act upon a referral.

Indicator 12 (Indicator 11 data may be impacting Indicator 12 data) – relates to children prior to age three, in Part C, determining eligibility for Part B and having IEP developed and implemented by their third birthday. This also must meet the 90-day timeline. NC is proud of Indicator 12 data. Years ago in the APR, Indicator 12 data was below 50 percent. NC preschool staff worked really hard to work with districts to get this data to improve. Preschool staff are working with districts with the most significant issues/slippage. This data is traditional LEAs only. Charter Schools are not in this data because they don't have preschool children ages three and up. Consideration is how notifications happen of the change from Part C to B because those are multiple other providers, that in turn work in coordination with notifying public schools there is a child with a disability. Coordination between state agencies is a current topic because those children have to be identified and placed before their third birthday. Oftentimes those communications need to start happening a year in advance. Districts that had a drop in this data are being consulted to determine reasons for slippage.

Indicator 13 – Transition – This is completed through EC Division monitoring process. NC still evaluating the data. Indicator 13 reviews compliance with contents in the IEP about measurable postsecondary goals and transition services. Majority of issues in this area relate to measurable postsecondary goals, but EC Division monitors review/problem solve this through their monitoring visits each year.

Indicator 14 – Postsecondary Outcomes – This is completed through EC Division monitoring process. Between 2000 and 2500 surveys that are sent out. These are kids who have exited the school system, either through graduation or dropout, or via a certificate and have been out of school for a year. The data relates to if they are in higher ed, competitively employed or in some other kinds of educational program or some other type of employment. This data will be available in January.

Indicator 16 – Mediations – this is fluctuating data from year to year. NC currently had 54.55 percent of mediations end up in written agreements. OSEP does a combination of mediations that were due process hearing mediations and those that were not a result of due process hearing mediations.

Indicator 17 – submission to OSEP April 1st and NC has a large stakeholder group that works with Indicator 17. NC's focus is on the five-year adjusted cohort graduation rate, and it did increase this past year.

Public Comment

State mandated forms are not inclusive (ex. Same-sex married couple) and commenter disagrees with mother/father. New state forms will include parent/guardian.

Agency Update

Carol Ann is presenting for Interim Director Sherry Thomas.

ECATS – postponed due to implementation specifics; currently processing 150 LEAs' data for data migration; Superintendents provided feedback regarding timeline to implement ECATS, ie middle of year or beginning of year or summer. Superintendents' feedback indicated summer was preferred. At this time, there is not a specific rollout date; however, the EC Division is looking forward to rolling ECATS out.

Regionalization – Based on an agency report, one primary recommendation was that DPI needed to regionalize support to LEAs so services will be more nimble, promptly provide PD and have a coordinated approach across divisions for each region. In general, EC Division already has this structure. The agency is being organized on a “regional” concept. Low performing school districts are prioritized. Regional boundaries should remain the same. Efficiencies include regional staff being housed in the region.

Alternate assessment – it’s the state required assessment on the extended standards. Discussion has been students assessed on Extended content standards and if IEP team has considered in content standards are rigorous enough. Trying to hold on to high rigor for students and that decisions are made carefully. Testing should not be changed just to produced good results.

A good messaging statement for LEAs to parents is that participating in alternate achievement standards will not lead to regular high school diploma.

EC Directors should be looking at their data for these students and review for appropriateness, future long term goals for students.

Policy, Monitoring and Audit – Heather Ouzts – parent liaison helped with disputes, helped increase parent education, worked with LEAs that wanted to have parent advisory group at local level. Before Heather’s departure about 2/3 of the state had some type of parent involvement group. This work needs to continue. Interviews for Heather’s replacement are taking place Friday. It appears there are a number of candidates with exciting backgrounds. Hopeful by next meeting this person will be in place.

Committee Work

Leanna suggested instead of individual committee work that the Council discuss as a group, a collaborative, written recommendation(s) to the Governor’s Crime Commission on School Safety. One recommendation was to include special ed teachers, and representation for all students in school safety plans. Another suggestion was to have addendum to individual student IEPs for crisis situations (shooting, fire drill, etc). EC students should be specifically included in LEA safety plans and the state plan. LEAs are already required to have Safety Plans in place. Direct workers with individual students are the best source of “what’s needed” for crisis circumstances. Council members seem to agree that “mandated” or very specific requirements cannot be relayed in an emergency situation.

A healthy discussion ensued among members. To have specifics within IEPs, with disclaimers, along with following School Safety Plans, EC parents need to know actions should occur within a school crisis. A suggested recommendation is to have a question – “Is there a specific need/need for a specific safety plan for this child during school crisis?” - this could be a starting point question. Proposed that every school have a special ed teacher be a member of the crisis management team in order to gain EC perspective. Consider recommending EC Director be collaborative with school safety counterpart within LEA; suggested a council member be on the Governor’s Crime Commission; recommend EC staff work with resource/police officers to practice drills with EC students; recommendation, much variance in how plans are put together, providing guidance on items to consider to develop plans and have consistency with plan and hopefully consistency in implementation; also considering including individuals from all aspects makes it an arduous task for the LEA. Keep in mind there is no perfect plan. Each school’s plan varies based on student population/needs.

Fire officials do have a list/location doc for fire drills. Recommend the same for crime prevention scenarios, again relates to school plan. All schools should have a comprehensive plan. "Requirements" doesn't necessarily mean it's happening. Recommend providing emergency services to "flag" EC students for emergency purposes. Practice on a consist basis appears to be a big key.

Summary of recommendations:

Question asked at IEP meeting, does student have special needs to address during crisis, but not included on legal document.

"Emergency box" with vital student info in safe place in classroom for emergency.

During annual EC student meetings, ask question about crisis plans.

Recommend EC parent/Council member be part of committee

Gen ed / adaptive curriculum representative be on Governor's Commission.

Recommend as next steps gen ed/spec ed training/pd

Emergency services, staff and teachers receive training on how to deal with EC students

Practice, practice, practice, practice

Include goal on IEP for student practice crisis plan